



W.P(MD)No.17864 of 2023

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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DATED : 22.11.2023

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**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.P(MD)No.17864 of 2023

R.Dhamodarapandian

... Petitioner

Vs.

- 1.The Bureau of Immigration, Ministry of Home Affairs,  
Government of India,  
Rep. by its Commissioner (Immigration),  
East Block - VIII, Level V, Sector I,  
R.K. Puram, New Delhi – 110 066.
- 2.Foreigner Regional Registration Officer (FRRO),  
Bureau of Immigration, Ministry of Home Affairs,  
Government of India, Sastri Bhavan Annex Building,  
No. 26, Haddows Road, Chennai – 600 006.
- 3.The Assistant Foreigners Regional Registration Officer,  
Bureau of Immigration, Anna International Airport,  
Meenambakkam Airport, Chennai – 600 027.
- 4.State By, Inspector of Police,  
All Women Police Station,  
Vallam, Thanjavur District.

... Respondents

**Prayer :** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the



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respondents to take action on petitioner representation, dated 23.06.2023 and lift up and withdraw the LOC issued as against the petitioner.

For Petitioner : Mr.R.Thamari Selvan

For Respondents : Mr.K.Govindarajan,  
Deputy Solicitor General of India for R1 to R3.  
Mr.A.Albert James,  
Government Advocate for R4.

### **ORDER**

Heard the learned counsel on either side.

2.The petitioner seeks lifting of the LOC issued against him.

3.It is not in dispute that the petitioner is facing prosecution in C.C.No.18 of 2023 on the file Additional Mahila Court, Thanjavur. The next hearing date is 28.12.2023.

4.The learned Government Advocate points out that NBW was issued against the petitioner and only because of issuance of LOC, his presence could be secured.

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5.The right to travel is a fundamental right. Likewise, his right to pursue his avocation will also be infringed, if his passport is impounded. Therefore, the petitioner is permitted to file an application before the trial Court. The petitioner will also seek the relief of return of passport. The petitioner shall file an application under Section 205 of Cr.P.C. The petitioner will execute a special vakalat in favour of his counsel. The trial Court shall favourably consider both the applications by putting the petitioner on appropriate terms. The petitioner's wife will also be heard when the said applications are being disposed of. If the petitioner can satisfy the trial Court that on account of his absence from India, the prosecution will not be stalled, his request can very will be considered by the trial Court. The lifting of the LOC will depend upon the order to be passed by the learned trial Judge. The learned counsel for the petitioner states that the petitioner will file appropriate applications before the trial Court within a period of one week from the date of receipt of a copy of this order. The same will be disposed of on merits and in accordance with law by the learned trial judge in the light of the observations made herein within a period of three weeks thereafter.



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**G.R.SWAMINATHAN, J.**

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6.This writ petition is disposed of accordingly. No costs.

**22.11.2023**

NCC : Yes/No  
Index : Yes / No  
Internet : Yes/ No  
ias

***Issue order copy on 27.11.2023.***

To:-

The Inspector of Police,  
All Women Police Station,  
Vallam, Thanjavur District.

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